

REMARKS

In the outstanding Official Action, claims 35 and 36 were rejected under 35 U.S.C. §112, second paragraph. Claims 31 and 34 were rejected under 35 U.S.C. §102(e) over NAKAJIMA (U.S. Patent No. 6,338,000). Claims 32, 33 and 35 were rejected under 35 U.S.C. §103(a) over NAKAJIMA in view of IMAZU (JP 08-155560). Claim 36 was rejected under 35 U.S.C. §103(a) over NAKAJIMA.

Upon entry of the present paper, Applicants will have cancelled claims 31-36 without prejudice to or disclaimer of the subject matter recited therein. Applicants will have added claims 43-48, which recite features related to the features recited in claims 31-36, for consideration by the Examiner. In view of the cancellation of claims 31-36, Applicants respectfully submit that each of the outstanding rejections of claims 31-36 is moot. Accordingly, Applicants respectfully submit that reconsideration and withdrawal of the outstanding rejections is appropriate. Applicants further submit that each of claims 43-48 is allowable over the references applied by the Examiner to claims 31-36, at least for the reasons set forth below.

In particular, NAKAJIMA is directed to designing a surface of a product using a CAD system. In this regard, NAKAJIMA discloses, at column 4, line 66 to column 5, line 19, a "production technique requirements data storage unit 14 for storing production technique requirements data for manufacturing automobile bodies". In other words, NAKAJIMA is directed to designing an automobile body as a product.

In contrast to NAKAJIMA, the invention recited in claim 43 is directed to the design of a machine element. As an example of the difference between a machine element in claim 43 and the automobile body in NAKAJIMA, Applicants note that a machine element is capable of machining a material, whereas the automobile body is the result of such machining or processing of a material. In an embodiment described in the specification, the machine element is be a die (where the material might be, e.g., sheet metal). Accordingly, claim 43 distinguishes between a "machine element to be designed" and a "material to be machined by the machine element".

Claim 43 recites a "machining verifier which verifies whether the machine element to be designed is capable of being machined on the basis of the input machine data and material feature data". For the example of a die, the invention recited in claim 43 would verify whether the die itself is capable of being machined, on the basis of material feature data that includes features of a material (e.g., sheet metal) to be machined by the die. Of course, the machine element recited in claim 43 need not be a die; rather, the machine element in claim 43 may be any machine element that is capable of machining a material.

As should be apparent, an automobile body, as in NAKAJIMA, may be a material to be machined by a machine element, but is not itself a machine element as recited in claim 43.

Furthermore, NAKAJIMA is not directed to the design of a machine element, as defined in claim 43. For example, the automobile body is not capable of machining a material. Rather, NAKAJIMA is directed to designing the end product of an automobile body, and not a

P20453

machine element that is capable of machining the automobile body.

Applicants further submit that the above-noted features of claim 43 that are not disclosed or suggested by NAKAJIMA, are also not disclosed or suggested by IMAZU. Nor does the outstanding Official Action assert that the above-noted features are disclosed or suggested by IMAZU. Accordingly, Applicants respectfully request entry and consideration of claim 43, as well as an indication of the allowability thereof.

Applicants further submit that each of claims 44-48 are allowable, at least because each depends, directly or indirectly, from an allowable claim 43, as well as for additional reasons related to their own recitations. Accordingly, Applicants respectfully request entry of claims 43-48, as well as an indication of the allowability of each of the claims now pending, in view of the herein-contained remarks.

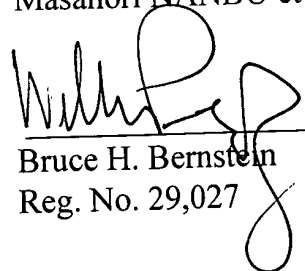
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have presented new, revised claims for consideration by the Examiner. Further, Applicants have discussed the disclosure of the references relied upon by the Examiner, and have pointed out specific features of the claims not disclosed by the references. Applicants have further discussed the features recited in Applicants' claims and have pointed out how these features are not taught, disclosed nor rendered obvious by the disclosure of the references cited thereagainst by the Examiner.

Any new claims which have been presented in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
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